

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES OF AMERICA,)
Plaintiff,)
v.) Case No. 1:17-cr-00224-AT-CMS
ALLEN J. PENDERGRASS,)
Defendant.)

DEFENDANTS' UNOPPOSED MOTION TO CONTINUE TRIAL

COMES NOW ALLEN PENDERGRASS, by and through his counsel of record, and hereby files this motion to continue the trial in this matter and respectfully show as follows:

1. This case is currently set for trial on May 20, 2019.
2. Present counsel was appointed December 10, 2018.
3. Counsel initially received one discovery disc from the government on December 18, 2018. The disc contains thousands and thousands of documents, some of which were seized from Mr. Pendergrass' business, some of which were obtained through subpoenas and other sources.
4. After the filing of two motions to dismiss, the Court ordered the parties to confer regarding discovery. The government then notified counsel there was an additional disc and a video that counsel had not received. The government sent the additional disc to present counsel on March 19, 2019.

5. On March 29, 2019, present counsel received “supplemental discovery” from the government via email.
6. Mr. Pendergrass has asked for access to his computers or copies of the hard drives containing his QuickBooks and other financial files, which are all in the sole possession of the government.
7. Counsel provided a hard drive to the government for the purpose of copying the computer files. It was received on April 11, 2019. The government notified counsel and the Court on April 26th that the drive should be available on May 10th.
8. Because counsel needs additional time to review the recently produced and recently requested items in order to provide an adequate defense in this case, she is requesting a 60-day continuance of the current trial date.
9. Counsel emailed Assistant United States Attorney Jeff Brown, counsel for the government in this case, who has no objection to this request.
10. Counsel requests that the time between the filing of this motion and the new trial date be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. § 3161(h)(7) because the ends of justice in permitting this continuance outweigh the Defendants’ and the public’s interest in a speedy trial.

Respectfully submitted this 29th day of April 2019.

s/Saraliene S. Durrett
SARALIENE S. DURRETT

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this date electronically filed the foregoing motion to continue with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to the following attorney(s) of record:

All Defense Counsel

All AUSAs of record

Respectfully submitted this 29th day of April 2019.

Respectfully submitted,

s/Saraliene S. Durrett
SARALIENE S. DURRETT
1800 Peachtree Street, NE
Suite 300
Atlanta, GA 30309
(404) 433-0855
ssd@defendingatl.com